## United States Court of Appeals

For the Ei	ghth Circuit
No. 1	5-3297
United State	es of America
F	Plaintiff - Appellee
	V.
Richard Tommy Williams, also	known as Richard T. Williams
De	fendant - Appellant
	States District Court ict of Iowa - Davenport
Filed: Ma	May 2, 2016 y 13, 2016 blished]
Before GRUENDER, ARNOLD, and SH	EPHERD, Circuit Judges.
PER CURIAM.	
* *	district court <sup>1</sup> sentenced him to 77 months elease upon his guilty plea to a felon-in-
The Handrike Lange E. Critza	or United States District Judge for the

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<sup>&</sup>lt;sup>1</sup>The Honorable James E. Gritzner, United States District Judge for the Southern District of Iowa.

possession charge. Williams's counsel has moved to withdraw, and argues in a brief filed under <u>Anders v. California</u>, 386 U.S. 738 (1967), that the district court plainly erred in accepting the plea agreement, because the decision in <u>Johnson v. United States</u>, 135 S. Ct. 2551 (2015), affected Williams's advisory Guidelines range. In pro se supplemental filings, Williams also relies upon <u>Johnson</u> to challenge his sentence.

These arguments fail, because the sentence was imposed pursuant to a Federal Rule of Criminal Procedure 11(c)(1)(C) plea agreement, under which Williams and the government specifically agreed to a sentence of 77 months. In fact, at the time the district court accepted the plea agreement, the parties and the court had discussed Johnson at some length, and the parties still wished to proceed with the Rule 11(c)(1)(C) agreement. See United States v. Kling, 516 F.3d 702, 704-05 (8th Cir. 2008) (defendant waived Eighth Amendment challenge to sentence imposed under Rule 11(c)(1)(C) agreement, which upon acceptance became binding on government, defendant, and district court).

Having independently reviewed the record in accordance with <u>Penson v. Ohio</u>, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues. Accordingly, we affirm the judgment, and we grant counsel's motion to withdraw.

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